

401 KAR 6:001. Definitions for 401 KAR Chapter 6.

RELATES TO: KRS 223.400-223.460, 223.991, EO 2008-507, 2008-531

STATUTORY AUTHORITY: KRS 223.420(1)(e), 223.435, 224.10-100, 224.70-100, 224.70-110

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100, 224.70-100, and 224.70-110 authorize the cabinet to establish administrative regulations to protect water quality. KRS 223.435 requires the cabinet to promulgate administrative regulations establishing standards of practice for water well construction. EO 2008-507 and 2008-531, effective June 16, 2008, abolish the Environmental and Public Protection Cabinet and establish the new Energy and Environment Cabinet. This administrative regulation is necessary to define terms used by the cabinet in 401 KAR Chapter 6.

Section 1. Definitions. (1) "Abandon" means to seal or plug a well to prevent entry of surface water or contaminants and to prevent mixing of water from different water-bearing formations.

(2) "Annular space" means the opening between a well-bore or excavation and the well casing or between an outer casing pipe and an inner casing pipe or liner pipe.

(3) "Aquifer" means a water-bearing formation that transmits water in sufficient quantity to supply a well.

(4) "Bedrock" means a consolidated rock exposed at the surface of the earth or overlain by unconsolidated materials or soils.

(5) "Bentonite" means a clay in the montmorillonite series with a predominance of sodium as its major cation, having the property of expanding several times its original volume if saturated, and used to seal or plug well annuluses and well bores.

(6) "Board" is defined by KRS 223.400(2).

(7) "Bridging" means the deliberate or accidental closing or plugging of a section of a drill hole or annulus, beneath which is an open borehole or unfilled annulus.

(8) "Confining zones" and "confining formation" means a body of sufficiently impermeable material as to impede the vertical migration of groundwater.

(9) "Consolidated formation" means a geological formation that is bedrock.

(10) "Construction" means all acts necessary for obtaining groundwater by wells, including drilling or excavation of the well and installation or modification of casing, but excluding the installation of permanent pumps and pumping equipment.

(11) "Driller" means "water well driller" as defined by KRS 223.400(8).

(12) "Drilling derived waste" or "DDW" means soils, drill cuttings, drilling fluids, product-contaminated water, and decontamination rinsate.

(13) "Finished ground surface" means the final or permanent elevation of the ground surface at the site of the well.

(14) "Grout-pipe method" means that grout is emplaced into the borehole or annulus via gravity flow through a pipe or apparatus with a funnel or hopper-like top.

(15) "High solids sodium bentonite" means bentonite containing a minimum of thirty (30) percent solids.

(16) "Impervious" means a material that will not permit the passage of water at a rate greater than 1×10^{-7} centimeters per second (cm/sec).

(17) "Modification" means a change, replacement, or alteration of the water well.

(18) "Monitoring well" means a well constructed if the actual or intended use in whole or part is the removal of water for sampling, measuring, or test pumping for scientific, engineering, or regulatory purposes.

(19) "Natural person" means an individual person distinguished from a person as defined in

KRS 224.01-010(17).

(20) "Pit" means a hole, shaft, or cavity in the ground.

(21) "Pitless well adapter" means a device designed for attachment to one (1) or more openings through a well casing.

(22) "Pitless well unit" means an assembly that extends from the upper end of the well casing to above the finished ground surface.

(23) "Perched" means a region in the unsaturated zone separated from an underlying aquifer where the materials are locally saturated because they overlie a low-permeability unit.

(24) "Potable water" means water that meets the provisions of 401 KAR Chapter 8, the quality of which is approved by the cabinet for human consumption.

(25) "Sealing materials" means neat cement, cement-bentonite grout, or bentonite. Drill cuttings are not sealing materials.

(26) "Static water level" means the level at which water stands in a well when water is not being taken from the aquifer either by pumping or by free flow.

(27) "Unconsolidated formation" means a loose, non-lithified geological formation such as soil, sand, or gravel.

(28) "Undesirable geologic formation" means a geologic formation with physical characteristics or water quality not conducive to the construction and use of a well.

(29) "Undesirable groundwater" means groundwater not suitable for human or animal consumption, irrigation, manufacturing process water, or cooling.

(30) "Water supply well" means "water well" or "well" as defined by KRS 223.400(7).

(31) "Water supply well" means "water well" or "well" as defined by KRS 223.400(7).

(32) "Well unsuitable for its intended use" means a well:

(a) The use of which has been permanently discontinued;

(b) That is in such a state of disrepair that it cannot be used to supply groundwater;

(c) That presents a health or safety hazard;

(d) From which usable groundwater is not obtainable; or

(e) With boreholes that:

1. Are dry;

2. Have caved in; or

3. Are unsuitable for further development and well construction. (35 Ky.R. 585; 797; eff. 10-8-2008.)